IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2627 OF 2006

Govind Rambhau Sonke and ors. ..Applicants.
Vs.
The State of Maharashtra. ..Respondents.

Mr.A.P.Mundergi, Advocate i/by Mr. Indrajeet Joshi for the Applicants.

Mr.K.V.Saste, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 07/8/2006.

P.C.

1. This is an application for grant of bail. The applicants are shown as an accused in C.R.No.I-73/2006 registered by Manpada Police Station, Dombivli for alleged offences under Section-147,148,149,323,302,504. 506 read with 34 of the I.P.C. It appears from the F.I.R. that the case of the complainant is that one of the co accused Anil Dinkar Patil assaulted the deceased Rohidas by sword on his head. The statements of witnesses are corroborated by the injury certificate which indicates about five wounds on the head of the deceased. The injury certificate further indicates that out of six wounds, three wounds were C.L.W. There were also two incised wounds near the ear. The injury certificate does not mention any wound or injury on any other part of the body. The role attributed to the present applicant No.s 1,2,3,4 and 6 is that they

assaulted the deceased by kicks and fist blows. Similar role was also attributed to accused Nos. 2,3,4,8,9,10,14,16,17,18,19 and 20. However, the accused Nos. 2,3,4,14,16,17,18 and 19 have been released on bail by the Sessions Court. Only distinguishing factor according to the A.P.P. is that their names are given in the supplementary statement. It is further admitted by the A.P.P. that the role attributed is the same. I find that if so many people assaulted the deceased by fist and kick blows, there ought to have been some further injury on the person of the deceased. No such injury which could be caused by fist and kick blows is reflected in the injury certificate. There is one injury on the shoulder of the deceased mentioned in the post mortem notes but over all, it appears that, if so many people were assaulting by fist and kick blows then their would have been many abrasions. The main two accused who have assaulted the deceased by dangerous weapons are not before this court. As far as applicant No.5 is concerned, he alongwith his father are said to be carrying revolvers with which they threatened the witnesses. Admittedly, though the investigation is completed and charge sheet is filed, no such revolvers were seized from either of these accused persons including the present applicant No.5. In the circumstances, I am inclined to grant bail to the applicants.

2. It is therefore, directed that pending their trial in pursuance of C.R.No.I-73/2006 registered by Manpada Police Station, Dombivli, the applicants may be released on bail in the sum of Rs.20,000/- each with one surety each in the like amount subject to the condition that they will report to the Investigating Officer at Manpada Police Station , Dombivli once in a month on every first Monday between 11.00a.m. to 5.00p.m. till the disposal of the trial.

3. Application is disposed off.

(R. S. MOHITE, J.)